

FILED

APR 21 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
JAMIE R. MCKOY, L.P.N.	:	FINAL ORDER OF
	:	DISCIPLINE
	:	
License No. 26NP05719400	:	
	:	
TO PRACTICE NURSING IN THE STATE OF	:	
NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jamie R. McKoy ("Respondent") is a licensed practical nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 27, 2011, Respondent completed and submitted an online application for biennial license renewal. Respondent McKoy was asked on the biennial renewal application whether she completed the required continuing education credits for the biennial period of June 1, 2009 through May 31, 2011. Respondent answered "Yes" to the question, and certified that answer to be true by submitting the online application.

3. Upon receipt of a flagging notice indicating that Respondent was arrested on June 18, 2012 by the Green Brook Police Department for violation of N.J.S.A. 2C:20-3 (theft) and N.J.S.A. 2C:21-1 (forgery), the Board sent a letter of inquiry, requesting information about the criminal matter, Respondent's employment information and her completion of continuing education. The letter of inquiry was mailed to Respondent's address of record in Somerset, N.J. by regular and certified mail on or about June 21, 2012. The regular mailing was not returned; the certified mailing was returned as unclaimed.

4. By letter dated July 13, 2012, James R. Wronko, Esq., attorney for the Respondent, provided a copy of the criminal complaint charging a violation of N.J.S.A. 2C:21-1A(2) for filling out and signing a fraudulent prescription on the prescription blank of Dr. Chafor, M.D. and N.J.S.A. 2C:20-3A theft.

5. By letter dated January 7, 2013, James R. Wronko, Esq. provided a copy of the Pretrial Intervention Order of postponement in the above matter. He advised that Respondent McKoy was entered into the program on October 5, 2012.

6. To date the Respondent has failed to provide any proof of completion of continuing education as requested by the Board on June 21, 2012.

CONCLUSIONS OF LAW

1. Pursuant to N.J.A.C. 13:37-5.3(b), a nurse shall complete a minimum of 30 hours of continuing education per biennial period.

Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:3-5.3(f).

2. Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required thirty hours of continuing education for the biennial period of June 1, 2009 through May 31, 2011. Respondent failed to demonstrate completion of any hours of continuing education during that time frame. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b), which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation of failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h).

3. Further, the Board finds that Respondent's submission of her 2013 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, and subsequent failure to provide documentation of completion, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

4. Lastly, Respondent's arrest for forgery and theft of a prescription blank raises sufficient concern to warrant testing, monitoring, and evaluation, as a condition of continued or reinstated licensure, to evaluate whether Respondent's continued practice in nursing may jeopardize the safety and welfare of the public within the intendment of N.J.S.A. 45:1-22(f).

Based on the foregoing findings, a Provisional Order of Discipline was entered on June 25, 2013, provisionally suspending respondent's license to practice nursing until she demonstrates completion of thirty (30) hours of continuing education to be applied to the June 1, 2009 through May 31, 2011 biennial renewal period. A public reprimand and civil penalty of \$250.00 for violation of N.J.S.A. 45:1-21 (e) and (h) was provisionally imposed. Respondent was also required to submit to a comprehensive mental health and substance abuse evaluation. A copy of the Order was forwarded to respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for modification and reasons therefore.

Although the record reflects that the certified mailing of the Provisional Order was signed by respondent and the regular mail was not returned, no response has been received to date. The Board found that service had been effected, inasmuch as the mailings had been sent to respondent's address of record with the Board. The Board further found that as no material discrepancies had been raised with respect to the findings of fact or conclusions of law, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS, on this 21st day of Apr., 2014,
ORDERED THAT:

1. Respondent's license to practice nursing is hereby suspended until such time as Respondent demonstrates completion of thirty (30) hours of continuing education to be applied to the June 1, 2009 through May 31, 2011 biennial renewal period and demonstrates that she is fit and competent. Hours of continuing education taken in the current biennial period may be retroactively applied to cure the deficiency of a previous period, but those same credits may not apply towards satisfaction of the current period.

2. Prior to any reinstatement, Respondent shall undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Recovery and Monitoring Program of the Institute for Nursing (RAMP) and shall gain RAMP's support for reinstatement.

3. Respondent expressly waives any claim to privilege or confidentiality that she may have concerning RAMP reports and

disclosures to the Board, and use by the Board of that information in any licensing proceedings.

4. All costs associated with the evaluation and/or monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.

5. A public reprimand is hereby imposed for respondent's violations of N.J.S.A. 45:1-21(b).

6. A civil penalty in the amount of two hundred and fifty dollars (\$250) is imposed upon Respondent for her violation of N.J.S.A. 45:1-21(e) and (h). Payment shall be made by certified check or money order, payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 21 days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

7. Upon finalization of this Order, Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN
Patricia Murphy, PhD, APN President